

U.S. Department of Labor

Office of the Assistant Secretary for
Congressional and Intergovernmental Affairs
Washington, D.C. 20210



OCT 26 2020

The Honorable Elizabeth Warren
United States Senate
Washington, D.C. 20510

Dear Senator Warren:

The Department of Labor received your inquiry regarding the Occupational Safety and Health Administration's (OSHA) inspection process pertaining to the recent enforcement activity at Smithfield Packaged Meats Corporation in Sioux Falls, South Dakota, and JBS Foods, Inc., in Greeley, Colorado. As a matter of policy, OSHA does not comment on matters in litigation. Since both cases are currently under contest, OSHA cannot discuss the details surrounding the inspections.

With respect to your inquiry regarding an Emergency Temporary Standard (ETS), OSHA has determined that it has existing statutory and regulatory tools available to protect America's workers and that an ETS is not necessary at this time. On June 11, 2020, the U.S. Court of Appeals for the D.C. Circuit agreed with OSHA's determination. OSHA will continue to enforce the law and offer guidance to employers and employees to keep America's workplaces safe.

If you have any additional questions, please contact the Office of Congressional and Intergovernmental Affairs at (202) 693-4600.

Sincerely,

A handwritten signature in blue ink that reads "Joe Wheeler". The signature is stylized and cursive.

Joe Wheeler
Deputy Assistant Secretary